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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1420/2002

Wednesday, this the 21st day of May, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri Govindan S. Tampi, Member (A)

Sunil Bist  
s/o Shri K.S.Bist  
Lecturer in Digital Electronics  
Guru Nanak Dev Polytechnic  
Rohini, Delhi  
R/o 1449, Gulabi Bagh, Delhi-7  
(By Advocate: Shri K.N.R.Pillai) ...Applicant

Versus

1. Union Public Service Commission  
through its Secretary  
Dholpur House  
Shahjahan Road, New Delhi
2. Govt. of NCT of Delhi through  
the Director-cum-Secretary  
Directorate of Training &  
Technical Education  
Muni Mayaram Marg, Pitampura, Delhi-24

..Respondents

(By Advocates: Shri Ajesh Luthra, learned proxy counsel  
for Shri M.M.Sudan, learned senior  
counsel for No.1/UPSC -  
Shri Ashwini Bhardwaj, learned proxy  
counsel for Shri Rajan Sharma, learned  
counsel for respondent No.2/Govt. of  
NCT of Delhi)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, VC (J):-

The applicant is aggrieved by the contents of the Advertisement issued by respondent No.2 dated 24-30.11.2001, prescribing the essential qualifications which, according to him, are not what have been prescribed by the competent authority/All India Council for Technical Education (AICTE).

2. The aforesaid Advertisement for recruitment to the post of Lecturers (Electronics Engineering) Polytechnics prescribes the following qualifications:-
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"ESSENTIAL : EDUCATIONAL : Bachelor's degree in Electronics Engineering/ Technology from a recognised University or equivalent. DESIRABLE: i) Qualified an All India Examination such as GATE. ii) Master's Degree in Electronics Engineering/ Technology from a recognised University or equivalent...."

3. According to the learned counsel for applicant, the qualification, as prescribed by AICTE, is a 1st class Engineering Degree, which has not found place in the aforesaid Advertisement, which, therefore, has to be quashed and set aside. He has also prayed for a direction to the respondents to re-advertise the vacancies incorporating the specific qualifications recommended by the AICTE and none else.

4. On the other hand, Shri Ashwani Bhardwaj, learned proxy counsel for respondent No.2 has denied the above contentions. According to him, respondent No.2 has advertised for the post of Lecturers (Electronics Engineering) Polytechnics strictly in accordance with the notified Recruitment Rules, which does not prescribe 1st class Bachelor Degree. He has also contended that respondent No.2 has not accepted the recommendations of the AICTE as they are only recommendatory in nature.

5. When the case was taken up for hearing, both learned counsel have submitted that the question of eligibility conditions/qualifications, which can be prescribed for recruitment to the post of Lecturers (Electronics Engineering) Polytechnics, is sub judice before the Hon'ble Supreme Court in SLP (Civil) No.17529/2002 in Government of NCT of Delhi & Anr. Vs.

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(3)

Sanjeev Lochan Gupta & Ors. Learned proxy counsel for respondent No.2 has submitted that the question of the applicability of the recommendations of AICTE for qualifications for the candidates is a matter which is pending before the Hon'ble Apex Court. From the perusal of the pleadings in this case, we note that essentially this is also the question raised in the present application.

6. In view of what has been stated above, the OA is disposed of in the following term:-

The question of the applicability of the impugned Advertisement would abide by the decision of the Hon'ble Supreme Court in Sanjeev Lochan Gupta's case (supra).

No order as to costs.

(Govindan S. Tampi)  
Member (A)

/sunil/

(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)